

Notice of Allowability

Application No.

09/665,724

Examiner

Toan D. Nguyen

Applicant(s)

CLOUTIER ET AL.

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/21/05.
2. ☒ The allowed claim(s) is/are 7-10, 12-15, 17-19, 21 are renumbered 1-12, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 11/22/05.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>11/21/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dan Podhajny on November 21, 2005.

2. The application has been amended as follows:

IN THE DRAWINGS:

"Figure 1" label has been replaced by --- Figure 1 Conventional Art ---.

IN THE CLAIMS:

In claim 8 line 2, the limitation "inserting channel delay" has been replaced by --- inserting the channel delay ---.

In claim 10 line 2, the limitation "monitoring acknowledge messages received in response to said data transmitted with said delay" has been replaced by --- monitoring a plurality of acknowledge message received in response to said data transmitted with said channel delay, the plurality of acknowledge messages including said acknowledge message ---.

In claim 10 line 4, the limitation "a desired channel delay" has been replaced by -- - said channel delay ---.

In claim 10 line 5, the limitation "reception of said acknowledge messages." Has been replaced by --- reception of the plurality of acknowledge messages. ---.

In claim 12 line 1, the limitation "claim 11" has been replaced by --- claim 7 ---.

In claim 12 line 2, the limitation "an amount of channel delay" has been replaced by --- an amount of said channel delay ---.

In claim 13 line 2, the limitation "adding channel delay to said acknowledge messages, so as to increase channel delay" has been replaced by --- adding said channel delay to said acknowledge message so as to increase an observed channel delay ---.

In claim 14 line 2, the limitation "adding channel delay" has been replaced by --- adding said channel delay ---.

In claim 14 line 2, the limitation "to control time out" has been replaced by --- to control the time out ---.

In claim 15 line 10, the limitation "received acknowledge messages." Has been replaced by --- the received acknowledge messages. ---.

In claim 17 line 1, the limitation "claim 16" has been replaced by --- claim 15 ---.

In claim 17 line 2, the limitation "amount of delay" has been replaced by --- amount of the channel delay ---.

In claim 18 line 1, the limitation "claim 16" has been replaced by --- claim 15 ---.

In claim 19 line 9, the limitation "control channel delay" has been replaced by --- control said channel delay ---.

In claim 21 line 1, the limitation "claim 20" has been replaced by --- claim 19 ---.

In claim 21 line 2, the limitation "acknowledge buffer" has been replaced by --- an acknowledge buffer ---.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance:

Regarding to claim 7, the prior art fails to teach a combination of the steps of:
wherein said inserting includes inserting said channel delay into an acknowledge message to be transmitted over said communication channel in response to a received data transmission, in the specific combination as recited in the claim.

Regarding to claim 15, the prior art fails to teach a combination of the steps of:
at least one buffer adapted for adding channel delay in said data to be transmitted; and

a processor monitoring acknowledge messages received in response to said data transmitted with said channel delay, and determining a desired channel delay based on the received acknowledge messages, in the specific combination as recited in the claim.

Regarding to claim 19, the prior art fails to teach a combination of the steps of:
at least one buffer adapted for adding channel delay in data to be transmitted by the device; and

a processor controlling a depth of said at least one buffer to control said channel delay, in the specific combination as recited in the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

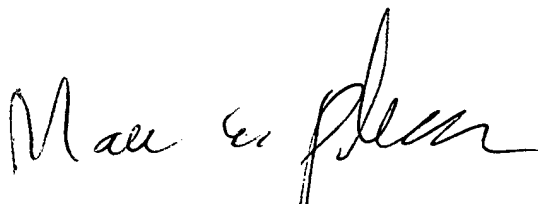
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MAN U. PHAN
PRIMARY EXAMINER